

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rockway, Inc. et al,

Plaintiff,

v.

ORDER

Civil 03-5282 MJD/FLN

David A. Stampe,

Defendant.

The above-entitled matter comes before the Court on Defendant's objections to the Report and Recommendation of Magistrate Judge Franklin L. Noel dated August 2, 2013. Defendant objects to the recommendation that this Court grant Plaintiffs' motion to enforce the 2006 Order and enjoin Defendant from selling the Estrus Alert Device.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review, the Court will adopt the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED that:

1. Defendant's motion for contempt (Doc. No. 228) is **GRANTED** in

part and **DENIED in part**, as follows:

A. To the extent Defendant's motion seeks the authority to audit Rockway's accounting records, the motion is **GRANTED**.

Defendant shall assume the cost of any audit and shall not be permitted to audit Rockway's records for the period in which he was competing in the estrus device market (October 2011–present).

B. In all other respects, Defendant's motion is **DENIED**.

2. Plaintiffs' motion to enforce this Court's 2006 Order (Doc. No. 237) is **GRANTED**. Defendant is hereby ordered to cease selling his Estrus Alert Device, in accordance with this Court's 2006 Order. Upon the Court's receipt of a sworn statement from Defendant indicating he has stopped selling his EAD product, Rockway shall resume royalty payments to Defendant.

DATED: September 24, 2013.

s/ Michael J. Davis

CHIEF JUDGE MICHAEL J. DAVIS
United States District Court